IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 286 OF 2004

Atmaram Ganapati Patil & ors. ... Appellants

V/s

Balkrishan Vishnu Patil & ors. ... Respondents

Mr. P. D. Dalvi for the appellants.

CORAM: P.V. KAKADE, J.

DATED: 7TH JUNE, 2005

P.C.:

1. This is an appeal preferred by the appellants against the judgment and order passed by the Ad-hoc Additional District Judge, Karad dismissing the appeal and confirming the order passed by the Trial Court on 5.12.1992 dismissing the suit for perpetual injunction simplicitor against the defendants.

2. Heard the learned counsel for the appellants. Perused the record.

3. Both the Courts below have come to the conclusion that the plaintiff has failed to make out the case for

perpetual injunction against the defendants as the plaintiffs as well as defendants are co-owners and co-possessors of the impugned properties and, as such, the case for perpetual injunction is not made out. On perusal of the judgment of both the Courts below as well as the appeal memo, it is clear that no substantial question of law is involved. Both the Courts below appear to have appreciated the factual as well as legal aspects of the evidence properly and correctly and, therefore, would brook no interference.

4. In the result, the appeal stands dismissed. Consequently, the Civil Application No. 280 of 2004 also stands dismissed.

(P. V. Kakade, J.)